

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES—GENERAL

Case No. EDCV 24-1005-KK-SHKx

Date: September 11, 2024

Title: *Zinzi Gatlin v. United States of America, et al.*

Present: The Honorable KENLY KIYA KATO, UNITED STATES DISTRICT JUDGE

Noe Ponce

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

**Proceedings: (In Chambers) Order DISMISSING the Instant Action for Failure to Prosecute**

On May 13, 2024, plaintiff Zinzi Gatlin (“Plaintiff”) filed a Complaint against defendant United States of America (“Defendant”) and various Doe defendants, asserting claims for assault and negligence pursuant to the Federal Tort Claims Act, 28 U.S.C. § 1346. ECF Docket No. (“Dkt.”) 1.

On August 27, 2024, the Court issued an Order to Show Cause (“OSC”) why this action should not be dismissed for failure to prosecute because Plaintiff had not filed a proof of service of the summons and Complaint on Defendant. Dkt. 9. The Court ordered Plaintiff to file a response to the OSC no later than September 3, 2024. Id. at 2. In addition, the Court expressly warned Plaintiff “failure to timely file a response to this Order will result in this action being dismissed without prejudice . . . for failure to prosecute and comply with court orders.” Id.

To date, Plaintiff has not filed a response to the Court’s August 27, 2024 OSC, nor has Plaintiff filed a proof of service of the summons and Complaint on Defendant.

Accordingly, the Court **DISMISSES** this action without prejudice pursuant to Federal Rules of Civil Procedure 4(m) and 41(b) for failure to prosecute and comply with Court orders. **IT IS FURTHER ORDERED** that the Clerk of Court shall close this action. (JS-6)

**IT IS SO ORDERED.**